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L A W Y E R S

E-Filed on 4/3/07

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# UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,  
Debtors.

## Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

## CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

## STIPULATION RE CLAIMS FILED BY THE INTERNAL REVENUE SERVICE

Date of Hearing: May 31, 2007  
Time of Hearing: 9:30 a.m.

The USACM Liquidating Trust (the "USACM Trust"), as the successor to USA Commercial Mortgage Company ("USACM"), and the United States of America on behalf of its agency, the Internal Revenue Service (the "Service"), hereby stipulate and agree:

1. The Service filed the following Proofs of Claims:

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- 10725-00002 in the amount of \$13,723.47;
- 10725-00005 in the amount of \$10,142.65;
- 10725-00065 in the amount of \$930,000.00;
- 10725-00088 in the amount of \$30,000.00;
- 10725-00103-1 in the amount of \$30,800.00; and.
- 10725-00103-2 in the amount of \$800.00.

2. On March 9, 2007 USACM filed an objection to claims filed by the Service arguing that the Service did not clearly identify whether each successive proof of claim was intended to replace or simply to add to the previously filed claim(s).

3. On March 23, 2007, the United States filed a response to objection of USACM to claims filed by the Service in which it agreed that "all of the earlier proofs of claim have been superseded and replaced by the last proof of claim, Claim No. 103-2" [DE 3247]. The Service further stated that "[a]ll of the earlier claims can be disallowed as having been replaced by Claim No. 103-2."

4. The hearing on the objection and response is scheduled before this Court on May 31, 2007 at 9:30 a.m.

5. In view of the foregoing, the parties hereby stipulate and agree;

- Claim Nos. 10725-00002, 10725-00005, 10725-00065, 10725-00088, and 10725-00103-1 filed by the Service may be disallowed in their entirety
- Claim No. 10725-00103-2 filed by the Service may be allowed as a general unsecured claim in the amount of \$800.00; and
- The hearing scheduled for May 31, 2007 may be vacated.

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 Dated: March 29, 2007.

2 **LEWIS AND ROCA LLP**

3 By: /s/ RC (#6593)

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10 *Counsel for USACM Liquidating Trust*

11 -and-

12 Dated: Mar 30, 2007

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